

REMARKS/ARGUMENTS

Claims 1-18 and 27-32 are canceled, and claims 19, 21-24, and 26 are amended. In addition, claims 33-41 are newly added. Claims 19-26 and 33-41 are now pending in the application. Also, the specification is amended to include the status of referenced patent applications. Applicants respectfully request reexamination and reconsideration of the application.

The Examiner has required that the specification be amended to include the status of referenced patent applications, requested an Information Disclosure Statement, and objected to claims 21 and 24-26. Applicants have amended the specification to include the status of referenced patent applications, submitted an Information Disclosure Statement citing references from the parent application, and amended claims 21 and 24-26 to correct typographical errors. Applicants have thus complied with all of the foregoing requests and requirements and responded to the objections.

Claims 19-26 were rejected under the judicially created doctrine of double patenting in view of claims 1-19 of U.S Patent No. 6,827,584. Applicants respectfully traverse this rejection on the grounds that the present application is a divisional filed in response to a restriction requirement made during prosecution of U.S. Patent No. 6,827,584. Consequently, U.S. Patent No. 6,827,584 cannot be used as a reference against the present application, whether for double patenting or any other purpose. (35 USC § 121 ("A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application."); see also MPEP § 804.01.)

Claims 19-26 were rejected under 35 USC § 103(a) U.S. Patent No. 5,476,211 to Khandros ("Khandros") and U.S. Patent No. 5,495,667 to Farnworth et al. ("Farnworth"). Claims 19-26 were also rejected under 35 USC § 103(a) U.S. Patent No. 6,183,267 to Marcus et al. ("Marcus") and Farnworth. Applicants respectfully traverse these rejections.

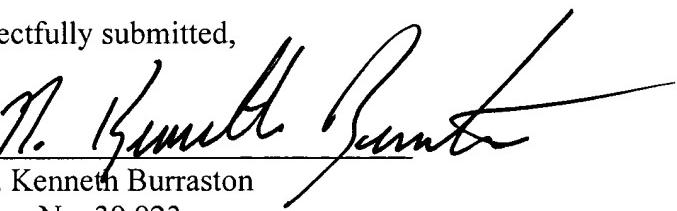
Each of independent claims 19, 22, and 23 includes "a second structure of a different second material deposited within an opening through a masking material applied on the first structure after a portion of the first structure has been released from a substrate and formed into

the micro-sized spring, and coupled to the first material." Applicants respectfully assert that Khandros, Marcus, and Farnworth, whether taken singly or in combination, do not teach or suggest such a feature. Independent claims 19, 22, and 23 therefore patentably distinguish over the prior art of record.

Claims 20, 21, 24-26, and 33-41 depend from one of claims 19, 22, or 23 and therefore also patentably distinguish over the prior art of record.

In view of the foregoing, Applicants submit that all of the claims are allowable and the application is in condition for allowance. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 323-5934.

Respectfully submitted,

By 
N. Kenneth Burraston
Reg. No. 39,923

Date: May 27, 2005

Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84111-1004
Telephone: (801) 323-5934
Fax: (801) 321-4893